

HOUSE BILL 511
By DeBerry J

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 50, Part 5, relative to revocation of driver licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-501, is amended by adding the following new subsection:

() The department shall revoke the license of any operator or chauffeur who is deemed incompetent to operate a motor vehicle due to any mental or physical illness. The following procedures shall be followed before the license revocation:

(1) A written report shall be completed and given to the department by a physician, relative, neighbor, friend or anyone knowledgeable of the fact that a person may be unable to drive due to mental or physical illness. Any physician aware that a person's driving may be impaired due to a mental or physical illness is encouraged to report such person to the department.

(A) The report shall indicate any illness a person has that may impair such person's ability to drive and the extent to which this ability is impaired. The form shall indicate the presence and extent of any memory loss, deterioration in judgment, inability to maintain attention, impulsive behavior, inability to perceive serious situations accurately, confusion, or any physical impairments that may affect a person's driving ability. The form shall ask whether the reported person has difficulty with daily care activities such as, but not limited to, cooking meals, balancing a checkbook, or maintaining personal hygiene. The report shall request the

67823908

67823908

001416

00141624

reporting person's name and relationship to the reported party. Such information shall be confidential if the reporting person so requests.

(B) After receiving the report, the department shall determine if the reported person holds a valid Tennessee driver license. If the person holds a valid Tennessee driver license, the department shall send such person a driver medical evaluation form to be completed by the licensed physician most familiar with his or her medical history. The person shall be informed that if the medical evaluation is not returned within thirty (30) days, the person's driving privilege shall be automatically suspended until the evaluation is returned.

(2)(A) If after reviewing the driver medical evaluation form a department representative determines the person's driving ability may be impaired, the representative shall set up a reexamination interview with the person. The person shall be informed that failure to appear for the reexamination interview results in the automatic suspension of such person's driving privilege. Before to the interview, the person shall take a written knowledge test on the rules of the road. The reexamination interview shall be held if the person passes the knowledge test. If the person does not pass the written test the person's driving privilege shall be revoked.

(B) The reexamination interview gives the person the opportunity to discuss his or her medical condition with the department representative for purposes of establishing the person's ability to safely operate a motor vehicle. The department representative shall ask the person questions to determine memory deterioration, awareness, orientation, attention and judgment. The representative shall be observant of the person's coordination and adaptation to the environment, as well.

(3)(A) The department representative interviewing the reported person will determine if the person should be given a driving test. This decision shall be based on the information provided by the reported person, medical documentation, and the results of the written examination. A driving test shall not be given if the evidence taken as a whole indicates

the reported person may be unable to safely operate a motor vehicle. If that fact is apparent, the person's driving privilege shall be revoked.

(B) The driving test given to reported individuals shall take thirty (30) to forty-five (45) minutes. The examiner shall look for the person's ability to concentrate, recall multiple instructions, execute them safely, and possibly find a location that should be familiar to the person such as a church, doctor, pharmacy, home, store, etc. The examiner shall watch for signs of mental confusion, perceptual misjudgments, and/or impulsiveness.

(4) At the conclusion of the driving test, the examiner shall document the person's areas of strength and weakness. The interviewer shall review the results of the driving test. These results, in combination with the medical documentation the reported person's interview, and the report initially filed lead to the licensing decision. If the evidence shows the reported person is capable of safely operating a motor vehicle, he or she will be allowed to continue to drive. Such person shall be required to return for another reexamination interview within six (6) to twelve (12) months to monitor any deterioration in his or her ability to safely operate a motor vehicle.

(5) Any reported person is entitled to a hearing prior to his or her driver license being revoked.

(6) The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 2. Tennessee Code Annotated, Section 55-50-502(a), is amended by adding the following new subdivision:

() Has failed to return the driver medical examination form within thirty (30) days.

SECTION 3. Tennessee Code Annotated, Section 55-50-502(a), is further amended by adding the following new subdivision:

() Has failed to attend the reexamination interview.

SECTION 4. This act shall take effect July 1, 1997, the public welfare requiring it.